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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

S4 22 Cr. 19 (PGG)

5 JEAN PIERRE,

6 Defendant.

7 -----x

8 December 18, 2023

9 3:00 p.m.

10 Before:

11 HON. PAUL G. GARDEPHE,

12 U.S. District Judge

13  
14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the  
17 Southern District of New York

18 BY: QAIS GHAFARY

19 MICHAEL D. LOCKARD

20 Assistant United States Attorneys

21 TALKIN, MUCCIGROSSO & ROBERTS

22 Attorneys for Defendant

23 BY: DENIS P. KELLEHER  
24  
25

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1 (Case called)

2 THE COURT: Mr. Kelleher, I am told Mr. Pierre wishes  
3 to plead guilty to the S4 information; is that correct?

4 MR. KELLEHER: That's correct, your Honor.

5 THE COURT: Mr. Ruocco, would you please swear in the  
6 defendant?

7 THE DEPUTY CLERK: Yes, your Honor.

8 Raise your right hand?

9 (Defendant sworn)

10 THE COURT: Mr. Pierre, you should understand you are  
11 now under oath and if you answer any of my questions falsely,  
12 your answers may later be used against you in another  
13 prosecution for perjury or for making a false statement.

14 Do you understand that?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Have you received a copy of the S4  
17 information which reflects the charge against you?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Have you had an opportunity to read the S4  
20 information?

21 THE DEFENDANT: Yes, your Honor, I have.

22 THE COURT: And have you discussed the S4 information  
23 with Mr. Kelleher?

24 THE DEFENDANT: Yes, your Honor, I have.

25 THE COURT: You are charged in the information with a

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1 felony offense of willfully making and subscribing to false  
2 corporate income tax returns. Do you understand that is the  
3 charge against you in the S4 information?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you wish me to read the S4 information  
6 to you now here in open court?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: Mr. Pierre, I have before me a waiver of  
9 indictment form that appears to have been signed by you and by  
10 Mr. Kelleher. Is this your signature on the waiver of  
11 indictment form?

12 THE DEFENDANT: That's correct, your Honor.

13 THE COURT: Before you signed the waiver of indictment  
14 form, did you discuss it with Mr. Kelleher?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: You should understand that you have no  
17 obligation to waive indictment. Do you understand that?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Have any threats been made against you or  
20 any promises been made to you to induce you to waive  
21 indictment?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: You should understand that if you did not  
24 waive indictment, the government would be required to present  
25 your case to a grand jury which would be asked to determine

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1 whether there was probable cause to believe that a crime was  
2 committed and that you committed it.

3 Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you further understand that the grand  
6 jury might or might not choose to indict you?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: And do you realize that by signing this  
9 waiver of indictment form, you have given up your right to have  
10 your case presented to a grand jury and that, instead, the  
11 charge against you will proceed on the basis of the S4  
12 information signed by the U.S. Attorney?

13 Do you understand that?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: I find that Mr. Pierre has knowingly and  
16 voluntarily waived his right to have his case presented to a  
17 grand jury and, instead, the charge against him will proceed by  
18 way of information. I have also been given an advice of rights  
19 form. It appears to have been signed by you and by  
20 Mr. Kelleher. Mr. Pierre, is this your signature on the advice  
21 of rights form?

22 THE DEFENDANT: Yes, it is, your Honor.

23 THE COURT: I will mark it as Exhibit 1 to these  
24 proceedings.

25 I have also been given a plea agreement. It appears

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1 to have been signed by you and by Mr. Kelleher. Is this your  
2 signature on the plea agreement?

3 THE DEFENDANT: That's correct, your Honor.

4 THE COURT: I will mark it as Exhibit 2 to these  
5 proceedings.

6 Before deciding whether to accept your guilty plea, I  
7 am required to ask you certain questions. It is important you  
8 answer these questions honestly and completely. The purpose of  
9 today's proceedings is to make sure you understand your rights  
10 and for me to make certain that you are pleading guilty of your  
11 own free will and to make sure that you are pleading guilty  
12 because you are in fact guilty and not for some other reason.

13 Do you understand that?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: If you don't understand any of my  
16 questions or you want to consult with Mr. Kelleher at any time,  
17 please say so, because it is important you understand every  
18 question before you answer.

19 Could you please state your full name for the record?

20 THE DEFENDANT: Jean Pierre.

21 THE COURT: And how old are you?

22 THE DEFENDANT: 37.

23 THE COURT: How far did you go in school?

24 THE DEFENDANT: High school graduate.

25 THE COURT: Have you ever been addicted to any drugs

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1 or alcohol, or been treated for any addiction?

2 THE DEFENDANT: No, your Honor.

3 THE COURT: Are you now or have you recently been  
4 under the care of any kind of doctor?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: In the past 24 hours have you taken any  
7 drugs, medicine or pills, or drunk any alcohol?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: Is your mind clear today and do you  
10 understand what is happening?

11 THE DEFENDANT: That's correct. I understand, your  
12 Honor.

13 THE COURT: Mr. Kelleher, do you have any doubt as to  
14 Mr. Pierre's competence to plead guilty today?

15 MR. KELLEHER: I do not.

16 THE COURT: On the basis of Mr. Pierre's responses to  
17 my questions and my observations of his demeanor, I find that  
18 he is competent to enter an informed plea.

19 Mr. Pierre, have you had enough time to discuss your  
20 case with Mr. Kelleher?

21 THE DEFENDANT: Yes, I have, your Honor.

22 THE COURT: Have you discussed with him the charge  
23 against you including your intention to plead guilty to the S4  
24 information?

25 THE DEFENDANT: Yes, I have, your Honor.

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1 THE COURT: Have you discussed with Mr. Kelleher any  
2 possible defenses you might have to this charge, as well as all  
3 the facts about your involvement in these matters?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Has Mr. Kelleher told you about the  
6 consequences of pleading guilty?

7 THE DEFENDANT: Yes, he has, your Honor.

8 THE COURT: And are you satisfied with Mr. Kelleher's  
9 representation of you?

10 THE DEFENDANT: Yes, I am, your Honor.

11 THE COURT: I must now explain certain constitutional  
12 rights that you have. These are rights you will be giving up  
13 if you enter a guilty plea. Please listen carefully to what I  
14 am about to say. If you don't understand something, stop me,  
15 and either myself or Mr. Kelleher will explain the matter to  
16 you more fully.

17 Under the Constitution and Laws of the United States,  
18 you have a right to a speedy and public trial by a jury on the  
19 charge against you contained in the S4 information. Do you  
20 understand that?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: If there were a trial, you would be  
23 presumed innocent and the government would be required to prove  
24 your guilt by competent evidence and beyond a reasonable doubt.  
25 You would not have to prove you were innocent at a trial.

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1 Do you understand that?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: If there were a trial, a jury composed of  
4 12 people selected from this district would have to agree  
5 unanimously before you could be found guilty.

6 Do you understand that?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: If you decide to go to trial, at that  
9 trial and at every stage of your case you would have the right  
10 to be represented by an attorney, and if you could not afford  
11 one, an attorney would be appointed to represent you at  
12 government expense and at no cost to you.

13 If you retained a lawyer and you ran out of money, an  
14 attorney would be appointed to continue to represent you to  
15 handle your case all the way through trial and not just for  
16 purposes of a guilty plea, so your decision to plead guilty  
17 should not depend on whether you can afford a lawyer.

18 Do you understand that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: If there were a trial, you would have the  
21 right to see and hear all the witnesses against you and your  
22 attorney could cross-examine them. You would have a right to  
23 have your attorney object to the government's evidence and to  
24 offer evidence on your behalf, if you so desired. You would  
25 have the right to have subpoenas issued to compel witnesses to



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1 testify in your defense.

2 Do you understand that?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: If there were a trial, you would have the  
5 right to testify if you wanted to, but no one could force you  
6 to testify if you did not want to. Furthermore, no inference  
7 or suggestion of guilt could be drawn if you chose not to  
8 testify at a trial.

9 Do you understand that?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: If you were convicted at trial, you would  
12 have the right to appeal that verdict to a higher court.

13 Do you understand that?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Even now, as you are entering this plea,  
16 you have the right to change your mind, plead not guilty, and  
17 go to trial on the charge contained in the S4 information.

18 Do you understand that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: If you plead guilty and I accept your  
21 plea, you will give up your right to a trial and the other  
22 rights I just discussed other than the right to a lawyer, which  
23 you have regardless of whether or not you plead guilty. If you  
24 plead guilty, I will enter a judgment of guilty and sentence  
25 you on the basis of your plea after I have considered a

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1 presentence report and whatever submissions I receive from your  
2 lawyer and from the prosecutors.

3 Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: If you plead guilty, you will have to give  
6 up your right not to incriminate yourself because I will ask  
7 you questions about what you did in order to satisfy myself  
8 that you were guilty as charged and you will have to admit and  
9 acknowledge your guilt.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: As I said earlier, the S4 information  
13 charges you with willfully making and subscribing to false  
14 corporate income tax returns for two corporations, JAP  
15 Multi-Services, Inc., and Tort Cash, for the calendar years  
16 2016 to 2019. I will now tell you the elements of that  
17 offense. This is what the government would have to prove  
18 beyond a reasonable doubt if you were to go to trial.

19 First, the government would have to prove that you  
20 made and subscribed to the corporate income tax returns in  
21 question.

22 Second, the government would have to prove that the  
23 return in question contained a written declaration that it was  
24 made under penalty of perjury.

25 Third, the government would have to prove that you did

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1 not believe at the time that the tax return was true and  
2 correct as to every material matter, in other words the  
3 government would have to prove that the tax return was  
4 materially false and that you knew it was materially false at  
5 the time.

6 Fourth, the government would have to prove that you  
7 acted willfully, that is, that you acted voluntarily and  
8 intentionally with a specific intent to make a statement that  
9 you knew was false when it was your legal duty to answer  
10 truthfully, and that you knew it was your legal duty to answer  
11 truthfully at the time.

12 Mr. Pierre, do you understand that these are the  
13 elements of the offense you have been charged with in the S4  
14 information and that these are the elements that the government  
15 would have to prove beyond a reasonable doubt?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: I must now tell you the maximum and any  
18 minimum possible penalty for this crime. The maximum means the  
19 most punishment that could possibly be imposed. It does not  
20 necessarily mean that is what you will receive, but you have to  
21 understand that by pleading guilty you are exposing yourself to  
22 the possibility of receiving any combination of punishments up  
23 to the maximum I am about to describe.

24 Do you understand that?

25 THE DEFENDANT: Yes, your Honor.

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1           THE COURT: The crime that you are pleading guilty to  
2 carries a maximum sentence of three years' imprisonment. Any  
3 term of imprisonment could be followed by as much as one year  
4 of supervised release. Supervised release means that if you  
5 are sentenced to prison, after you are released from prison you  
6 will be subject to supervision by the U.S. Probation Office.  
7 There will be rules of supervised release that you will have to  
8 follow and if you violate those rules, you could be returned to  
9 prison without a jury trial to serve additional time even  
10 beyond your original sentence.

11           In addition, the crime that you are pleading guilty to  
12 carries a maximum fine of the greatest of \$250,000 or twice the  
13 gross pecuniary gain derived from the offense or twice the  
14 gross pecuniary loss resulting from the offense.

15           Do you understand these penalties as I have explained  
16 them to you?

17           THE DEFENDANT: Yes, your Honor.

18           THE COURT: Parole has been abolished in our federal  
19 system and if you are sentenced to prison, you will not be  
20 released early on parole. There is a limited opportunity to  
21 earn credit for good behavior but you will have to serve at  
22 least 85 percent of the time you are sentenced to.

23           Do you understand that?

24           THE DEFENDANT: Yes, your Honor.

25           THE COURT: There is also a mandatory minimum fine or

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1 special assessment of \$100 that I am required to impose.

2 Do you understand that?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: As part of your sentence I can also order  
5 you to make restitution to any person or entity injured as a  
6 result of your criminal conduct and I can also order you to  
7 forfeit certain property to the government.

8 Do you understand that?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Being convicted of a felony may have other  
11 consequences such as the loss of licenses or the right to  
12 possess a firearm. If you are a citizen of the United States  
13 you could lose your right to vote. If you are not a citizen of  
14 the United States you will likely lose your right to remain in  
15 the United States. And, you may be deported.

16 This is not a full list of the consequences of a  
17 felony conviction, these are only examples. Do you understand  
18 that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: There are sentencing guidelines I am  
21 required to consult in order to determine an appropriate  
22 sentence in your case. Have you spoken with Mr. Kelleher about  
23 the sentencing guidelines?

24 THE DEFENDANT: Yes, I have, your Honor.

25 THE COURT: You should understand I will not be able

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1 to determine what the sentencing guidelines recommend until  
2 after a presentence report has been prepared and you and the  
3 government have had a chance to comment on that report.

4 Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: You should also understand that after I  
7 determine what the appropriate guidelines range is, and after I  
8 have determined whether a departure whether upwards or  
9 downwards from that range is called for, I will then determine  
10 what an appropriate sentence is in your case having in mind not  
11 only the sentencing guidelines but all the factors set forth in  
12 the sentencing statute including the need for the sentence  
13 imposed to reflect the seriousness of your offense, the need to  
14 promote respect for the law, to provide just punishment, and to  
15 afford adequate deterrence to criminal conduct.

16 Do you understand that?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: You should also understand that if your  
19 attorney or anyone else has attempted to estimate or to predict  
20 what your sentence will be, their estimate or prediction could  
21 be wrong.

22 Do you understand that?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: No one, not even your attorney or the  
25 prosecutors can give you any assurance of what your sentence

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1 will be. Your sentence cannot be determined until after the  
2 presentence report has been prepared and I have ruled on any  
3 challenges to the report to determine whether I believe there  
4 are grounds to depart, whether upwards or downwards from the  
5 guidelines range, and otherwise determine what an appropriate  
6 sentence is in your case.

7 Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: You should fully understand that even if  
10 your sentence is different from what your attorney or anyone  
11 else told you it might be, or if it is different from what you  
12 expect, you will still be bound by your guilty plea and you  
13 will not be allowed to withdraw your plea of guilty.

14 Do you understand that?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Mr. Pierre, I have marked your plea  
17 agreement as Exhibit 2 to these proceedings. You told me a  
18 moment ago that the plea agreement bears your signature. Did  
19 you read the plea agreement before you signed it?

20 THE DEFENDANT: Yes, I did.

21 THE COURT: Did you discuss the plea agreement with  
22 Mr. Kelleher before you signed it?

23 THE DEFENDANT: Yes, I did, your Honor.

24 THE COURT: And did you fully understand all of the  
25 terms of the plea agreement before you signed it?

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1 THE DEFENDANT: Yes, I did, your Honor.

2 THE COURT: Does this agreement constitute your  
3 complete and total understanding of the entire agreement  
4 between you and the United States government as to this matter?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Has anyone offered you any inducements or  
7 threatened you forced you to plead guilty or to enter into this  
8 plea agreement?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: The plea agreement provides that you are  
11 waiving your right to appeal your sentence or to challenge your  
12 sentence at any time for any reason, so long as I sentence you  
13 to 18 months' imprisonment or less.

14 Do you understand that?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: The plea agreement further provides that  
17 you are waiving your right to appeal a fine or to challenge the  
18 fine at any time for any reason, so long as the fine is \$55,000  
19 or less.

20 Do you understand that?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: The plea agreement further provides that  
23 you are waiving your right to appeal any order of restitution  
24 or to challenge any order of restitution at any time for any  
25 reason, so long as the restitution amount is \$250,000 or less.



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1 Do you understand that?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Mr. Kelleher, do you know of any valid  
4 defense that would prevail at trial or any other reason why  
5 Mr. Pierre should not be permitted to plead guilty?

6 MR. KELLEHER: I do not.

7 THE COURT: Do you believe there is an adequate  
8 factual basis to support a guilty plea?

9 MR. KELLEHER: I do.

10 THE COURT: Does the government represent that there  
11 is an adequate factual basis for a guilty plea?

12 MR. GHAFARY: Yes, your Honor.

13 THE COURT: Mr. Pierre, we have reached the point in  
14 the proceedings where I need you to tell me what you did that  
15 makes you believe that you are guilty of the crime charged at  
16 the S4 information.

17 THE DEFENDANT: Between 2016 and 2020 I filed and  
18 signed false tax returns for my business including false  
19 business expenses and personal income.

20 THE COURT: Now, these tax returns that you made and  
21 signed, were these income tax returns for companies called JAP  
22 Multi-Services, Inc. and Tort Cash?

23 THE DEFENDANT: Yes. That's correct.

24 THE COURT: And were those returns for calendar years  
25 2016 through 2019?

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1 THE DEFENDANT: Correct.

2 THE COURT: Now, the returns that you have signed, did  
3 they say on them that the statements made in the returns were  
4 being made under penalty of perjury?

5 THE DEFENDANT: I believe so.

6 THE COURT: And were you aware at the time that you  
7 signed these tax returns that they contained statements that  
8 were materially false?

9 THE DEFENDANT: Yes.

10 THE COURT: And at the time that you signed these  
11 income tax returns that contained the materially false  
12 statements, did you act with a specific intent to make a  
13 statement that you knew was false?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And did you do so knowing at the time that  
16 you had a legal duty to provide truthful information?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: And where were you, Mr. Pierre, when you  
19 prepared and signed these false income tax returns?

20 THE DEFENDANT: Well, I signed them --

21 MR. KELLEHER: Your Honor, I don't know if he knows  
22 specifically where he was.

23 THE COURT: Well, what I would say specifically as to  
24 Mr. Pierre, let me explain. There is a concept called venue.

25 THE DEFENDANT: OK.

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1 THE COURT: It matters what county you were in, where  
2 you were when you engaged in the criminal conduct that you have  
3 just admitted. So what I am asking you generally is whether  
4 you know what county you were in or where you were at the time  
5 that you engaged in this criminal conduct.

6 THE DEFENDANT: I think I signed it in Long Island.

7 MR. KELLEHER: Your Honor, similar to Bradley and the  
8 venue issue that came up, we are waiving venue. This is on  
9 page 1 of the plea agreement but we have -- I have discussed  
10 this with him and you can inquire about it. We are prepared to  
11 waive venue as to the count in the information.

12 THE COURT: Does the government have any theory for  
13 venue for this count or not.

14 MR. GHAFARY: No, your Honor. The S4 information  
15 charges the conduct had taken place in the Eastern District,  
16 and as Mr. Kelleher just noted, the plea agreement provides  
17 that the defendant waives venue in this district.

18 THE COURT: So, Mr. Pierre, were you here when your  
19 brother pled guilty?

20 THE DEFENDANT: Yes, I was.

21 THE COURT: So you heard what I had to say about the  
22 concept of venue; right?

23 THE DEFENDANT: That's correct, your Honor.

24 THE COURT: So basically the concept is that a  
25 defendant has the right to be prosecuted in the district in

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1 which their criminal conduct took place. We are sitting in the  
2 Southern District of New York which covers Manhattan, the  
3 Bronx, Westchester, and a few counties north of there. That's  
4 the Southern District of New York. You mentioned Long Island.  
5 Long Island is in the Eastern District of New York. So,  
6 because your criminal conduct took place on Long Island, which  
7 is in the Eastern District of New York, you would have a right  
8 to insist that the prosecution against you go forward in the  
9 Eastern District of New York and not here in the Southern  
10 District of New York. However, as Mr. Kelleher just said, the  
11 right of venue is one that can be waived and a defendant can  
12 say I understand that I have a right to be prosecuted in the  
13 Eastern District of New York but I am waiving that right and it  
14 is my wish that the prosecution go forward against me here in  
15 the Southern District of New York.

16 Now, have you spoken with Mr. Kelleher about this  
17 concept of venue?

18 THE DEFENDANT: Yes, I have.

19 THE COURT: Have you spoken with him about whether you  
20 want the prosecution to go forward against you here in the  
21 Southern District of New York or in the Eastern District of New  
22 York?

23 THE DEFENDANT: This venue is fine, your Honor.

24 THE COURT: So you have spoken with Mr. Kelleher, and  
25 after consulting with him it is your desire that the

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1 prosecution against you go forward here in the Southern  
2 District of New York?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: I find as to venue that Mr. Pierre has  
5 knowingly and voluntarily waived his right to have the case  
6 against him proceed in the Eastern District of New York and,  
7 accordingly, the charge will proceed here in the Southern  
8 District of New York.

9 Before I ask Mr. Pierre final questions, any other  
10 questions the government wants me to ask Mr. Pierre about the  
11 tax charges that he is pleading guilty to?

12 MR. GHAFARY: No thank you, your Honor.

13 THE COURT: Mr. Pierre, are you pleading guilty  
14 because you are in fact guilty?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And are you pleading guilty voluntarily  
17 and of your own free will?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: I ask you now, how do you plead as to the  
20 charge in the S4 information; guilty or not guilty?

21 THE DEFENDANT: Guilty.

22 THE COURT: Mr. Pierre, because you acknowledge that  
23 you are guilty as charged in the S4 information, because I find  
24 that you know your rights and you are waiving them knowingly  
25 and voluntarily, and because I find your plea is entered

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1 knowingly and voluntarily and is supported by independent basis  
2 in fact containing each of the essential elements of the  
3 offense, I accept your guilty plea and adjudge you guilty of  
4 the offense to which you have pled guilty.

5 I will order a presentence report. Mr. Pierre, I ask  
6 you to cooperate with the people who prepare the report because  
7 it will be important to me in making my decision as to what  
8 your sentence will be. You and Mr. Kelleher will have an  
9 opportunity to review the presentence report before sentencing.  
10 I urge you to review it carefully with him and discuss it with  
11 him before sentencing. If there are any mistakes in the  
12 report, please point them out to Mr. Kelleher so that he can  
13 point them out to me before sentencing so that I don't proceed  
14 on the basis of mistaken information.

15 I am going to schedule sentencing for May 8, 2024 at  
16 2:00. The defendant's sentencing submission will be due on  
17 April 24, 2024; and the government's submission will be due on  
18 May 1.

19 Is the government seeking any change in Mr. Pierre's  
20 bail conditions?

21 MR. GHAFARY: No, your Honor.

22 THE COURT: Mr. Pierre, you will continue on pretrial  
23 release pending sentencing. I do want you to be aware that in  
24 the event you did not appear for sentencing on the date and at  
25 the time that I just specified, you would be committing a

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1 separate federal offense for which you could receive a separate  
2 and consecutive sentence.

3 Is there anything else on behalf of the government?

4 MR. GHAFARY: No thank you, your Honor.

5 THE COURT: Anything else on behalf of the defense?

6 MR. KELLEHER: Just double checking, you said May 8 at  
7 2:00 for sentencing?

8 THE COURT: I did.

9 MR. KELLEHER: With that, nothing else, your Honor.

10 THE COURT: Thank you.

11 MR. KELLEHER: Thank you have a great holiday.

12 THE COURT: Thank you. You too.

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